

# The Sydney Morning Herald.

No. 5653.—VOL. XXXV.

WEDNESDAY, AUGUST 15, 1855.

PRICE SIXPENCE.

## SHIP ADVERTISEMENTS.

**NOTICE TO THE PUBLIC.**—The steamer VICTORIA will commence on WEDNESDAY, 15th instant, to run as a Ferry boat between the Waterfront Dock and the Circular Quay, and will sail on SATURDAY, 18th instant.

For freight or passage apply to the Captain, Circular Quay; or at the office of STEPHEN, BAAR, and FRANCIS, 180, Lower George-street.

**STEAM FROM CAMPBELL'S WHARF TO WOOLLOOMOOLOO AND WATSON'S BAY.**—The steamer VICTORIA will call at the pier of Elliott's Wharf, Woolloomooloo Bay, at 12 m., and will sail from Campbell's Wharf, departing from 10 a.m. to 12 m.; 2 o'clock Woolloomooloo Bay, ditto, 12:15 p.m.; 2:15 p.m. Watson's Bay, ditto, 12:30 p.m.; 2:30 p.m. Watson's Bay, arrival, 12:30 p.m.; 2:30 p.m. Woolloomooloo Bay, ditto, 1:15 p.m.; 2:15 p.m. Campbell's Wharf, ditto, 1:30 p.m.; 2:30 p.m. From Campbell's Wharf, or Watson's Bay, or from Woolloomooloo Bay to and from Watson's Bay, 12 m.; children half price.

**PARRAMATTA STEAMERS.**—The fast boats ply three times daily between Parramatta and Sydney, 8 a.m. and 1 p.m., and 4 p.m. On Sundays, 8 a.m., 1 p.m., returning at 4 p.m. Phoenix and Parramatta.

**STEAM TO THE HUNTER.**—At reduced freight and fares.—THE HUNTER, Captain PETLEY, for MURPETH, THIS EVENING, at 12 o'clock.

TILMOUTH F. DYE, manager, H. R. N. S. N. Co.'s Wharf, foot of Market-street, August 16th, 1855.

**REDUCTION BY THE HUNTER RIVER COMPANY.**—NEW STREAM NAVIGATION COMPANY'S VESSEL OF FREIGHTS TO FERNS and NEWCASTLE and BRISBANE.

THE WILLIAMS, D. Harding, commander.

THE PATRICK, J. Jennings, commander.

Between Sydney and Murchison, either way, 12 m. For freight 12 m., 8 p.m.

Sydney and Newcastle, 12 m., 8 p.m.

Freight to and from Sydney, 12 m., 8 p.m.

Freight to and from Newcastle, 12 m., 8 p.m.

And intermediate distance proportionally.

Freight to or from Sydney, 12 m., 8 p.m.

TILMOUTH F. DYE, manager, H. R. N. S. N. Co.'s Wharf, foot of Market-street, 15th August, 1855.

**GREAT REDUCTION OF FREIGHTS and FARES BY THE H. R. N. S. N. CO.'S HUNTER RIVER LINE.**

BY THE COLAROY AND ILLALONG.—Saloon, 12 m.; Steerage, 8s.—to and from Murchison.

By THE TANAR.—Saloon, 8s.—to and from Newcastle.

## APPOINTMENT OF CHILDREN TO NEW SOUTH WALES.

We have just received copy return to an order of the House of Commons, dated 7th March, 1855, of all the communications which have taken place between the President of the Poor Law Board and the Emigration Commissioners, relative to appointing boys and girls from any parish or Board of Guardians, of and above the age of 13, with the consent of their parents or the guardians, under certain conditions, to employers in New South Wales. Being an official paper of much importance, we lay the most material part of it before our readers:—  
Letter from H. Merivale, Esq., to the Poor Law Board.

Dowling-street, 21st June, 1853.

My Lord,—I am directed by the Duke of Newcastle to request that you will communicate to the Poor Law Board the enclosed copy of an Act which has recently been passed by the Legislature of New South Wales to regulate the indenture of assisted immigrants and others in the United Kingdom, and to direct their attention in particular to Sections 7 and 8 of the Act.

This Act has not yet reached his Grace in an authentic shape for her Majesty's confirmation or dissolution, but before it does so, he would be glad to be favoured with the Commissioners' opinion whether these provisions can properly be sanctioned.

I am, &c.,  
(Signed) H. MERIVALE, Secretary.

Lord Courtenay, Esq., &c., &c.

Letter from the Poor Law Board to H. Merivale, Esq., Poor Law Board, Whitehall, 9th July, 1853.

Sir,—I am directed by the Poor Law Board to acknowledge the receipt of your letter of the 21st ultimo, the copy of an Act passed on the 23rd of December, 1853, by the Legislature of New South Wales, to regulate the indenture of assisted immigrants and others in the United Kingdom and elsewhere, &c., and directing the attention of the Board in particular to sections 7 and 8 of the Act.

I am directed by the Board to state, in reply, that they have perused the Act, and that so far as it relates to them, or to the administration of the law for the relief of the poor in England and Wales, they do not, as at present advised, see any objection to the enactment mentioned in sections 7 and 8 of the Act referred to. It does not appear that the Board can be made legally responsible, if when executing its instrument in the form (C) in the schedule to the Act, they should decline to abide by it, except in the colony, under section 11.

I am, &c.,  
(Signed) COURTEENAY, Secretary.

To H. Merivale, Esq., &c., &c.

Letter from the Poor Law Board to H. Merivale, Esq., Poor Law Board, Whitehall, 24th July, 1854.

Sir,—I am directed by the Poor Law Board to state that their attention has been again called to the Act passed by the Legislature of the colony of New South Wales, on the 23rd December, 1852, of which you forwarded a copy to this Board, by direction of his Grace the Duke of Newcastle, on the 21st of June, in last year, and request that you will move Secretary of State George Grey to inform the Board whether the same has been signed by the Queen, and whether the Colonial Land and Emigration Commissioners are prepared to execute the provisions contained in it with reference to the emigration of young persons from parishes or unions.

If so, the Board will be glad to receive any instructions which the Commissioners may desire to have communicated to Board of Guardians of unions or parishes.

I am, &c.,  
(Signed) COURTEENAY, Secretary.

H. Merivale, Esq., &c., &c.

Letter from H. Merivale, Esq., to the Poor Law Board.

Dowling-street, 1st August, 1854.

My Lord,—In reply to your letter of the 24th instant, I am directed by Secretary Sir George Grey to acquaint you, for the information of the Poor Law Board, that the Act of the Government of New South Wales, to which you refer, has left the Royal Assent; and that a copy of your present letter has been transmitted to the Colonial Land and Emigration Commissioners, with directions to communicate with your Lordship with regard to the manner in which the provisions of the Act may be carried into effect.

I am, &c.,  
(Signed) H. MERIVALE.

The Lord Courtenay, Esq., &c., &c.

Letter from the Poor Law Board to H. Merivale, Esq., Poor Law Board, Whitehall.

August 14, 1854.

Sir,—I am directed by the Poor Law Board to acknowledge the receipt of your letter of the 1st instant, in reply to theirs of the 24th ultimo, respecting an Act passed by the Legislature of the Colony of New South Wales, for the regulation of the indenting of assisted immigrants on their arrival in that colony.

I am, &c.,  
(Signed) W. G. LUMLEY, Assistant Secretary.

H. Merivale, Esq., &c., &c.

Letter from J. Walpole, Esq., to the Poor Law Board.

Colonial Land and Emigration Office,

Park-street, Westminster, 17th August, 1854.

My Lord,—With reference to your Lordship's letter of the 1st instant, to H. Merivale, Esq., Assistant Commissioner to the Colonial Land and Emigration Commissioners, to state that Sir George Grey has desired them to communicate with you on the subject to which it relates.

The Commissioners have desired me to enclose, for the information of the Poor Law Board, copies of the regulations under which emigration to New South Wales has been considered, since the local Act, 18 Vict., c. 42, came into operation, and to point out that all adult emigrants conveyed to that colony, wholly or in part, in the public expense, are now required to serve there an indenture for a limited period, but that the form of indenture printed on the fourth page of the accompanying regulations is only applicable to ordinary emigrants.

You will, however, observe that by the seventh and eighth clauses special provision is made for the emigration of boys and girls above the age of 13, to be selected from paupers established in the colonies, and who are now in fact contributed towards the expenses of their emigration by the Commissioners, or otherwise not to have any mental or bodily disorder, or otherwise not to be in a fit state of health for a voyage, the Commissioners consider that the whole cost cannot be safely estimated at less than £20; in cases where Boards of Guardians or the master and managers of charities will pay the difference, i.e., £1 12s., the Commissioners will ready to receive the applications. I am, however, to add that, as freights vary considerably from time to time, the Commissioners should be requested to review the above rate of contribution at periods of not less than two years, should the Poor Law Commissioners think that there is any probability that parishes or charitable institutions would desire to avail themselves of this provision of the local Act.

I have, &c.,  
(Signed) JOHN WALPOLE, Assistant Secretary.

The Lord Courtenay, Esq., &c., &c.

Enclosure referred to in the above Letter.  
Government Emigration Office, 8, Park-street, Westminster.

Regulations for the Selection of Emigrants, and Conditions on which Passages are granted.

Qualifications of Emigrants.

1. The emigrants must be of those calling which, from time to time are most in demand in the colony, and who are present as agricultural labourers, shepherds, gardeners, and country mechanics such as blacksmiths, bricklayers, carpenters, masons, wheelwrights, and gardeners. They must be sober, industrious, of general good moral character, and have been in the habit of working for wages; of all of which decisive certificates will be required. They must also be of good health, free from all bodily or mental defects; and the adults must, in all respects, be capable of labour, and going out to work for wages, at the occupation specified in the application.

The emigrants who will receive a preference are respectable young women trained to domestic and farm service, and families in which there is a preponderance of females.

2. The separation of husbands and wives, and of parents from young children, will in no case be allowed.

3. Single women, under 18, cannot be taken without their parents, unless they go under the immediate care of some near relatives. Single women over 35 years of age are ineligible. Single women with illegitimate children, in no case, can be taken.

4. Families in which there are more than two children under seven, or than three, under ten years of age; widowers and widows with young children; persons who intend to resort to the gold-fields, to buy land, or to invest capital in trade; or who are in the habitual receipt of parish relief; or who have not been vaccinated, or not had the smallpox, cannot be accepted.

## Payments and Conditions.

5. Male and unmarried female emigrants, of or above 14 years of age, will no longer receive free passage, but must repay, either in this country or in the colony, the greater part of the cost of their passage, according to the following scale. For the present this cost is fixed at £100 for emigrants of the 1st class, and at £5 for emigrants of the 2nd class. No payments will be required for wives, or for children under 14 years of age, accompanying their husbands and parents.

## Scale of Payment.

First Class, total payment £100—1. Married agricultural labourers, shepherds, herdsmen, miners, and other men of the class of country labourers generally, not exceeding 40 years of age, to be paid in advance in England, £1; to be paid in the colony, £12. Exceeding 40 and under 50 years of age, £10; to be paid in advance in England, £5; to be paid in the colony, £8. Exceeding 50 years of age, to be paid in advance in England, £11; to be paid in the colony, £2.

Unmarried males of any of the above classes, not exceeding 40 years of age, to be paid in advance in England, £11; to be paid in the colony, £12. Unmarried females of men and domestics, servants, not exceeding 35 years of age, to be paid in advance in England, £1; to be paid in the colony, £2.

Second Class, total payment £15—6. Country mechanics, such as blacksmiths, bricklayers, carpenters, masons, sawyers, wheelwrights, and gardeners, under 45, to be paid in advance in England, £10; to be paid in the colony, £12. Above 45 and not exceeding 50 years of age, £10; to be paid in advance in England, £5; to be paid in the colony, £8. Above 50 years of age, to be paid in advance in England, £11; to be paid in the colony, £2.

The shipman had contracted with his owners for a monthly salary of £10, and a sum of £100 payable for the conclusion of his voyage by the return of the ship to England. The voyage had been interrupted by the arrest of the ship under the Foreign Attachment Act, and it was the first instance contended that the claim of the master was not maintainable until the voyage had terminated. The question, however, was not determined, being left to be dealt with by the Judge in chambers, from whom the question of priority of lien had referred to the Court. The point as to whether or not this was the first priority of lien was one argued, the title of the master to recover his wages being assumed for the purpose of the argument. By the conclusion already recited, the master was entitled to a double-barrelled gun, and other articles; the boots produced are the property of his son, and were stolen on the occasion referred to, but could not identify the wrapper; the boots and the wrapper value £10. Committed for trial at the Quarter Sessions.

William Johnson, charged with being drunk, and riding carelessly on the Parramatta-road, was found guilty of drunkenness, and sentenced to pay 40s. to be imprisoned for forty-eight hours. Nicholas Kahn, taken into custody for striking a man named Thomas, in view of the apprehending constable, was committed to prison for a penalty of 10s. James Angel, convicted of using obscene language, was sentenced to pay 40s, or to be imprisoned for fourteen days.

The summons list consisted of twenty-eight cases, many of which stood over from yesterday. Six, under the Carters' Act, were postponed pending the decision of the Supreme Court on the applicability of the Act, to light vehicles on springs. Several were postponed to be tried on a plea of insanity.

Timothy Doolan, charged with having complained of Marty Gorman, a bailiff of the Court of Requests, for assaulting him in the execution of his duty, Mr. Little appeared for the complainant, and Mr. Redman for the defence. It appeared that certain goods were levied upon, under three writs of execution issued out of the Court of Requests, which executions were removed to the house in consequence of an affray which had been committed upon him by the master of the vessel, and the goods were delivered up to him, and not to Doolan. The executors thereupon took upon themselves the responsibility of selling, and special writs were granted them; one of these writs was confined to the complainant; when the goods were sold, he was deemed to be deceased.

Mr. Redman, who attended the hospital, contemplated performing an operation on the little girl, by cutting out the diseased eye in the course of a few days. If the surgeon succeeds in the performance of the operation, and at the same time can save the young child from death, they will indeed deserve to be deemed highly skilled in surgical science.

The MARKETS.—Mr. McGeorge reports the following prices:—Wheat and flour, no reduction in price, when first fetched from £1 to £1 10s. per bushel; the 2 lb. loaf; maize, 18s. per bushel. A reduction has taken place in the price of hay, of 2s. per cwt. and straw, a great reduction in the price of bacon, and hams, are dreadfully inflated and distorted, the lower end reaching to a level with the lowest extremity of the poor young sufferer's nose. The medical gentlemen who attend the hospital contemplate performing an operation on the little girl, by cutting out the diseased eye in the course of a few days. If the surgeon succeeds in the performance of the operation, and at the same time can save the young child from death, they will indeed deserve to be deemed highly skilled in surgical science.

The MAINTENANCE.—Mr. McGeorge reports the following prices:—Wheat and flour, no reduction in price, when first fetched from £1 to £1 10s. per bushel; the 2 lb. loaf; maize, 18s. per bushel. A reduction has taken place in the price of hay, of 2s. per cwt. and straw, a great reduction in the price of bacon, and hams, are dreadfully inflated and distorted, the lower end reaching to a level with the lowest extremity of the poor young sufferer's nose. The medical gentlemen who attend the hospital contemplate performing an operation on the little girl, by cutting out the diseased eye in the course of a few days. If the surgeon succeeds in the performance of the operation, and at the same time can save the young child from death, they will indeed deserve to be deemed highly skilled in surgical science.

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## LEGISLATIVE COUNCIL.

TUESDAY.

THE SPEAKER took the chair at half-past three o'clock.

## MESSAGES.

The following Message was from His Excellency the Governor-General, received and read:

Increased Fees on Sale of Spirits Bill.—"In accordance with the provisions of the Act of the Imperial Parliament 5 and 6 Victoria, cap. 76, the Governor-General transmits to the Legislative Council the draft of a bill, intituled, 'A Bill to increase the Fees payable for Publicans' Licences, and to impose a Fee upon the Registration of Spirit Merchants.'

Colonial Naval Service Bill.—In accordance with the provisions of the Act of the Imperial Parliament, 5 and 6 Victoria, cap. 75, the Governor-General transmits to the Legislative Council the draft of a bill, intituled, "A Bill for the Establishment and Regulation of a Naval Service for New South Wales."

Ordered to be printed, together with the accompanying Bills, and taken into consideration on Thursday next.

## ASSENT TO BILLS.

His Excellency the Governor-General has been pleased to give the royal assent to the following Bills—Sydney Exchange Company's Bill, Presbyterian Church Trustees' Bill, Gunpowder Carriage Bill, Gauge of Railways Act R-peal Bill.

## PETITION.

Mr. DARVALL presented a petition from Joseph Frederick Johnson, offering certain suggestions for an improved system of immigration, and praying that his suggestion, or his services, which he places at the disposal of the colony, may be lost sight of in any future arrangements for the conduct of emigration to this colony.

The petition was received, and eventually referred to the Committee now sitting on the subject of Immigration.

## REPAIRS TO THE LIBRARY CRUISING.

The COLONIAL SECRETARY said he had just been informed that the vessel which had been sent to the Legislative Council, was in a most dangerous state, and that it would be necessary to have it immediately repaired. With a view therefore to the accomplishment of this object, he should move on Thursday next, after the government business had been disposed of, that the Council adjourn until the following Wednesday.

The SPEAKER said it had been reported to him by the Colonial Architect, who had examined the building, that the ceiling of the library was in danger of coming down every moment.

Mr. DARVALL suggested that the really dangerous parts of the ceiling should be brought down at once by a tap of the hammer, it would be most imprudent to endanger the safety of his members even for a day.

## POLICE REGULATIONS.

Mr. NICKELSON, for leave to introduce a Bill to further Police Regulations for the City, Port, and Harbour of Sydney, was possessed on Friday week on the motion of Mr. FLOOD.

## ECCLÉSIASTICAL ENDOWMENTS.

Mr. FLOOD moved that the petition of the inhabitants of Newcastle, presented by him on the 9th instant, in reference to Ecclesiastical Endowments, be rejected.

## REV. MR. SALMON.

The INSPECTOR-GENERAL OF POLICE said that he was at all times reluctant to make any observations in the House in reference to anything which transpired out of doors; but when comments were made, such as those to which he would allude, in reference to matters which transpired in the Council, he thought this House was the proper place to notice those comments.

He referred to a letter which had appeared in both the daily papers of this city, containing comments on certain statements made by his (the Inspector-General of Police) in reference to the Rev. Mr. Salmon, in connection with the police who arrived in the Exodus. That letter impugned the correctness of the statement he (the Inspector-General of Police) then made, and imputed to him a desire to make that rev. gentleman the scapegoat of some blunders, and further imputed to him that if it had not been for the latter charge, he should have been called upon to allude to the letter, but that was a point to which he did feel called upon to allude and to repudiate. He thought he might safely refer to every candid mind as to whether the bringing the rev. gentleman's name before the House was his (the Inspector-General of Police's) act; whether he did not from the first call the attention of the House to it until it was necessary, a clear answer could easily be given. He thought that being the case, he was relieved entirely from having sought to make the rev. gentleman a scapegoat. But even if there had been a blunder, whether there was any omission or blunder in the matter in question, he believed that every member who was present on the occasion to which he had alluded, was possessed of the facts which he had to him, and of the facts which had been brought to his notice, and that he gave the rev. gentleman the full benefit of his own statement, merely adding to it the comment he felt called upon to make at the time. The point to which he particularly alluded was the following:—It is a notorious fact, and I feel particularly agreed that this was not acknowledged by the rev. Mr. Salmon when he introduced my name in Council; it is a notorious fact, and I feel formed the resolution on which they have acted before I saw them." It might often happen that the prosecutor would have the strongest possible inducement to prove the case against a prisoner, and thus much injustice might be done. Circumstances might keep from the views of the magistrate which might altogether change the aspect of the case.

## THE ATTORNEY-GENERAL: No, no.

Mr. DARVALL did not understand the value of the information given by the hon. and learned member, and he repeated that the person charged might be the innocent party, and should have all the rights and privileges of innocence restored to him until he was proved to be guilty. It had only been of late years that in civil cases defendants had been allowed to give evidence in their own cases; but now that evidence was admitted, and was allowed to go for as much as it was worth. No doubt the charge he made for was a great one; but why should the criminal law be the effect of ganging one of the parties to a cause, while in civil cases both parties were permitted to give evidence. The crime was one of a very peculiar nature, and it generally happened that it occurred, and could occur only to the knowledge of the two parties concerned, and why should the woman be allowed to be placed in the witness box and make her statement, while the same privilege was denied to the man. Now, the act of rape, until it became a criminal aspect, was one to which both parties might be compelled.

(No, no.) He contended that to complete the act of rape it was necessary to clear away all the circumstances, and it was only when on one side it could be proved to be against her will that she was allowed to give testimony on oath, while on the other side it was to be proved that she was virtuous.

The ATTORNEY-GENERAL: The defendants could not be candid.

## MR. DARVALL WITH RESPECT TO RAPE.

Mr. DARVALL: In the course of the motion he had placed upon the paper, he did so with every strong impression that much injustice had been done by the operation of the criminal law in regard to cases of rape, and with the belief, that for the protection of innocent persons it had become necessary that the same general principles, which had been introduced into the conduct of civil actions, should be adopted in the criminal bar. He believed, that he was the more ready to adopt the language of the rev. gentleman, that it may be very convenient for one who has committed an indiscretions, an unadvised, and an unguarded action, to suppress all mention of it in a public explanation; but it certainly appeared to him (the Inspector-General of Police) not to be candid.

THE ATTORNEY-GENERAL: Did you not see why the great principle on which these amendments were based, did not apply to the criminal law? The principle was to afford every facility to get at the truth. In civil cases every facility was given for this purpose. The defendant as well as the plaintiff was allowed to state his case. But in criminal cases, when the consequences were so much more important to the party concerned, the prisoner was pronounced to be innocent, a witness although in many cases he might be the only person to be convicted on a particular charge, and he was to be tried by a jury which had the opportunity of getting the right of reply to the Crown by the Crown Prosecutor. There was no doubt that, in all cases tried in the Courts, whether it was civil or criminal, the evidence of two witnesses was specially required, because the sworn testimony of the party charged weighed against the sworn evidence of the prosecutor. On what principle, then, in regard to the criminal law, did you suppose that a man could give any evidence at all about the matter. He thought, now that rule, followed in civil cases, should be followed, and that the prisoner should be allowed to give his evidence on oath, leaving it for the jury and the judge to give such weight to the testimony thus afforded as it might be worth; and he had been much impressed of late by several cases in which had lately been tried in the Supreme Court, in which he had been the prosecutor, and he was shocked at some of the convictions which had recently taken place and the results which had followed upon them. Verdicts, he did not hesitate to say, had been given which were not justified by the evidence, and sentences of a disgraceful and cruel death had been passed, which, however, when, after such sentences had been passed, and other circumstances had become known, had been altered into punishments—so severe, indeed, if the offence were not committed, but of comparatively trifling severity. It was most improper

that the law should continue in this uncertain state. It must be shocking to the feelings of every right-minded man, that these verdicts and these condemnations should take place, and be constantly set aside, and that the evidence refused at the trial, but admitted afterwards, in the Exchequer Court, that they were unjust, and were never carried out. He confessed, however, seeing the way in which the criminal justice of the country was administered in these colonies, he was not astonished that these inconsistencies and anomalies should take place. When they considered that here the functions of the Grand Jury at home were vested in the hands of the Crown Prosecutor here, that these Crown Prosecutors had power of accusing, and of judging, and experience and influence beyond what other counsel could possess, it was not to be wondered at that defense, in many of these cases became absolutely hopeless. Look at the case here, the Attorney-General was the grand jury of the colony; it was by the information filed by him to the best of his judgment, that the prisoner was placed upon his trial. The same Attorney-General then had to appear to prosecute; and though of course he was not obliged to do so, from the natural feelings of a man's nature, he would come with a bias that a conviction ought to take place. In England prosecutions of this kind were conducted in a very different way. These prosecutions were not conducted by one hand who had, by long experience, obtained practice and tact in such cases. They were distributed among young hands, who had no advantage of the counsel for defense. They were not conducted by law officers of the crown, who, in their professional training, taste, and astuteness, of which they were supposed to be possessed. Their talent and position and influence were brought to bear against a prisoner, and it was thin that they did something to alter the law, and make the verdicts in this respect rest on more secure grounds than they did at present. He was perfectly shocked at some of the verdicts lately returned, and he had no hesitation in saying, if the sentence of the Court in these cases had been carried out, the man would have been executed, and the man would have rested on the heads of the judges who convicted them. He had a conversation the other day with a very respectable attorney, and one who stood very high in his profession. That gentleman told him that a young girl came to him some time ago and begged him to prosecute a gentleman for rape. He asked her how it took place? She said he was ravished by his wife, and on this he advised her to go to the House of Commons, and to have an amendment introduced into the bill of pains and penalties, so that a woman's complaint of rape should not be heard, and the man should be hanged; if he had not, let him be pardoned. He would, as a general principle, he repeated, extend to every man charged with crime the same privileges as were bestowed by the civil law. He should stand before the Court as a free man, with the power to shake off his fitters if he was able to do so. *"Audi alteram partem"*, was the maxim of their law, and he believed that the man should be hanged, if he had not, and the woman should be hanged, if he had done what he was sentenced to be hanged for, would not have been punished. She was also the main cause of persuading the prisoner's wife to go to Sydney and leave her with her husband. Now, are not all these facts enough to make a man a person shudder? The law leaves a man in such an unequal state.

The prosecutrix was the victim of their law, and she was a good example of a prisoner who should not be the witness statement of a prisoner, who should be hanged for an offence of which he was committed. The woman found the bed perfectly smooth (the bed was a feather bed), and clean linen had been put on. This woman was also on most familiar terms with the prisoner's wife, and was working by her side all the day long; but she made no complaint of what had occurred to her during her absence. One would have thought that she would have immediately flown to her protection, and would have informed her husband of the offence of the prisoner, who had been ungrateful to her. The woman found the bed again. This woman was also on most familiar terms with the prisoner's wife, and was working by her side all the day long; but she made no complaint of what had occurred to her during her absence. 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cised in dealing with cases according to their merits. He entirely agreed with his hon. and learned friend the member for Cumberland with regard to the necessity of some radical change being made in the law; but at the same time he thought that time should be allowed for the purpose of considering whether the Bill would really accomplish the object aimed at. He regretted, therefore, that the bill should now be read a first time, on the understanding that the second reading would not take place for a week or ten days, by which time hon. members would be enabled to make up their minds to the desirability of introducing into this colony the English law in reference to rape.

Mr. MACARTHUR admitted as fully as any one that it was important for the House or members of the House, to interfere in the criminal cases of justice, more especially in reference to criminal cases then pending; but there were exceptions to this rule. If it had not been for the pointed allusion of the hon. and learned Attorney-General he should not have deemed it his duty to offer any remarks upon the subject. After hearing the hon. and learned Attorney-General allude, in such pointed terms, to a few cases of rape, the unfortunate man who had just been condemned to die for the offence committed in the immediate district where he (Mr. M.) resided, case, moreover, which had not even yet been finally determined, he did think it was incumbent on him, knowing, as he did, some material facts and circumstances connected with the case, to offer some slight explanation. (Hear, hear.) The hon. and learned gentleman had asked, in reference to the evidence touching the state of the bed, &c., why the prisoner had not been examined in the preliminary investigation, when he was first charged with the offence. The statement explanatory of his conduct. It was no doubt in such cases for the presiding magistrate to ask the prisoner whether he was desirous to make any statement to the Bench, at the same time cautioning him that his words would be taken down in evidence, and, if necessary, given against him at his trial. With regard to the present case, it was impossible for the prisoner to make any statement calculated to throw any light upon the case, as his wife who was the only witness for the prosecutrix, who knew any thing as to the state of the room, was from home on the very day the investigation took place. It also appeared that Mrs. Lakeman was induced to visit Sydney at this particular time with the tacit, if not the express concurrence, of the prosecutrix herself. He knew of her tacit acquiescence, but had been expressly informed that she had urged her mistress to leave home that she was rather pleased than otherwise with her master's leaving home.

The ATTORNEY-GENERAL explained that his observations went no farther than the fact of the prisoner not having made any statement. In touching upon this point, he had no desire to enter into the merits of the case.

Mr. MACARTHUR resumed: As he said before, it was impossible for the prisoner, at the preliminary examination, to make any statement relative to the state of the room until he had received the information from his wife, who did not venture to offer the information to the Bench had concluded. From the evidence of the prosecutrix, it would appear that on Sunday morning she went into the room by herself to make the bed, and that whilst so engaged her master came in and violated her in the manner described. Mrs. Lakeman, however, on learning this statement, distinctly denied its truth, and explained that on this particular morning she went in herself, with the purpose, as she said, of making the bed, and that the prosecutrix had no business in the room afterwards. (Hear, hear.) With regard to the prisoner not having made any statement whatever at the preliminary investigation, he (Mr. M.) begged to say that if there was any blame attributable on this score, it should fall upon him in his magisterial capacity. He happened to be on the bench when the prisoner was examined, and remembered reading the law to him with regard to the privilege of making a statement. But when he considered the peculiar nature of the case, the evidently nervous and agitated state of the prisoner, and the fact that he had no advocate to watch his case, he (Mr. M.) deemed it to be his duty to throw out a suggestion to him as to the prudence of his making any statement at that time. He was anxious to guard the unfortunate man in his unusual state of excitement from making an unadvised or precipitate statement, which might afterwards be taken advantage of for the exercise of legal ingenuity. Acting under this impression, the caution he had given might be considered as substantially advising the prisoner that he had better reserve any statement which he might have to make until he was called upon to disclose his defence at the trial. Having disposed of this point, he would take the liberty of drawing the attention of hon. members to some portion of the evidence adduced in the bench, which he had him to entertain doubt, and suspect, as to the truth of the prosecutrix's testimony. In making her statement before the Bench she said that she resisted as much as possible, and that she called as loudly as she could for help. He (Mr. M.) asked her what words she had made use of, and in what way she replied, after some hesitation, that she had said "Let me alone, let me alone." He then asked her calmly and in a careful manner, as possible, as to what she had done, and her answer was "I do not know those are the words, and the way in which you called out." She replied "yes," and said "let me alone, don't, don't, or don't it." Both these answers were given in a very quiet and subdued tone of voice. He said "Supposing the House happened to be on fire, how would you have called out?" Upon this she hesitated, seemed perplexed, and said, I did call out "murder," but her answer on this, as well as on the previous instances, was extremely unconvincing. It can be seen from the evidence adduced in this case, that the evidence of the woman, which he had just related as having been put to her. Unfortunately, the depositions, as taken down, omitted the questions put to the witness, and thus the evidence appeared as if it had been a connected statement of her part. If he had had the taking down of the evidence he had no doubt the effect at the trial would have been somewhat different from what it was. He was in hopes, when called upon to give his opinion on the Supreme Court, that the evidence had been examined upon this particular point, and that had an opportunity of communicating the facts which he now offered to the House. He did not know that there was any law to prevent him from doing so; at all events, if any such law really did exist, it was clearly contrary to the interests of both humanity and justice. From the body of facts, or allegations rather, laid before the bench, there was a case made out for the Attorney-General, or the decemur of the court.

After the conviction of the man, another circumstance had occurred, which he would now mention, and which he supposed he should have been called upon to bear testimony before the Supreme Court, as well as with reference to the point already alluded to; it was this, that the prosecutor and his wife came forward, when the bench was engaged in other business, and abruptly asked what was to be done about their engagement as young servants of Mr. Lakeman. This came into the interest of the court, but after one or two weeks from the husband and wife, or rather from her and her husband—for she took him prominently part—and also from Mr. Lakeman, it was decided the subject was postponed until the matter before the Bench was disposed of. This being done, the application was again brought under consideration. The Bench decided that, as they could not enter upon the case, inasmuch as by the course taken, they could not enter it, it was left under the care of the Medical Board. Act to express any opinion, because such an opinion would be tantamount to a decision upon the grave matter which was beyond their jurisdiction. With the concurrence of the other two magistrates, he suggested to Mr. Lakeman that he should provide them with another place of residence, to which he immediately assented. The Bench, however, absolutely declined to make any order, or ruling that by doing so the woman would be beyond the line of his protection. Thus excited manner in which the prosecutrix expressed herself on this latter occasion, the effect that "she would not stay an instant longer under the roof of that dirty beast," meaning her master, did seem to him to conflict strongly with her passive conduct in remaining under his roof from the Sunday until the Friday. (Hear, hear.) If this incident had occurred prior to the committal he (Mr. MacArthur) would not have had any difficulty in pronouncing that the man was an immediate impenitent at the time, and subsequent reflection had convinced him that his conviction was a just one; and it was now his deliberate conviction. There was another important fact, which had been brought under his notice only within the last two or three days. It was, that on the day after the alleged first offence (Monday, July 2) an adjourned petty session was held at the court-house. It was stated, by the husband, in his evidence, that he had been prevented from making his complaint because he had lost himself on that very night in attempting to go to Mr. Oxley's to lodge his complaint; but until two o'clock on that day, as he (Mr. M.) had been credibly informed, Woods had been employed in the village of Camden, and in the colony had actually gone to Lakeman's, and in the

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A USTRALIAN MUTUAL PROVIDENT SO-CIETY.—Established January 1st, 1849.  
Chairman—Thomas Holt, Jun., Esq.  
Medical Officer—Dr. W. H. Kemp, M.D.  
Acting Medical Referee—Dr. W. H. Kemp, M.D.  
Secretary and Treasurer—Robert Thomas, Esq., M.D.  
The premium rates, calculated at the lowest rate consistent with perfect security, add one cent every year of participation in premiums.

The premium rates will be retained by the Society for the Assurance of Joint Lives, from which the following is an extract:

"Annual premiums for £100, payable at death of either A or B.

Age of A.	Age of B.
25	35
35	45
45	55
55	65
65	75
75	85
85	95
95	105
105	115
115	125
125	135
135	145
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